



# ARIZONA HOUSE OF REPRESENTATIVES

## **SB 1465: sober living homes; certification**

**PRIME SPONSOR:** Senator Brophy McGee, LD 28

**BILL STATUS:** [Health](#)

### **Legend:**

ADA – Americans with Disabilities Act  
ADHS – Arizona Department of Health Services  
Director – Director of the Arizona Department  
of Health Services

MAT – Medication Assisted Treatment  
Organization – Approved Certifying  
Organization

Amendments – **BOLD** and ~~Stricken~~ (Committee)

### **Abstract**

Relating to ADHS and sober living home licensure.

### **Provisions**

1. Requires the Director to adopt rules to establish standards and requirements for licensure of sober living homes. (Sec. 5)
2. Permits the Director to use current standards adopted by an ADHS approved national organization as a guideline in prescribing standards and requirements for sober living homes. (Sec. 5)
3. Requires standards to include:
  - a. Policies and procedures that allow an individual using MAT to stay at a sober living home;
  - b. Drug and alcohol testing;
  - c. Policies and procedures for:
    - i. Maintaining a safe environment for the surrounding community; and
    - ii. Discharge planning;
  - d. A good neighbor policy;
  - e. A current medication and medical conditions list for patients that can be accessed by emergency personnel;
  - f. Policies relating to:
    - i. Residential rules, requirements and agreements;
    - ii. Money management by the sober living home;
    - iii. Residential rights concerning complaints;
    - iv. Complaints against a sober living home;
    - v. Prohibiting sober living home personnel from requiring a resident to sign documents which relinquish a resident's government assistance; and
    - vi. Sober living home maintenance including compliance with applicable fire codes.
  - g. A requirement for residents to participate in various treatment supports;
  - h. Drug and alcohol abstinence policies;
  - i. Medication use and security procedures; and
  - j. Family notification about drug overdoses. (Sec. 5)
4. States that a sober living home license is valid for one year. (Sec. 5)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

5. Prescribes a civil penalty of up to \$1,000 for any sober living home that is not licensed. (Sec. 5)
6. Requires sober living homes to comply with all state and federal laws, including the ADA. (Sec. 5)
7. Requires an ADHS licensed treatment facility with multiple sober living homes on the same campus as the facility's program to obtain licensure for each sober living home. (Sec. 5)
8. Prohibits a person from establishing, conducting or maintaining a sober living home unless licensed by ADHS or certified pursuant to statute.
  - a. Asserts that a license is only valid for the establishment, operation and maintenance of the sober living home. (Sec. 5)
9. Prohibits a licensee from:
  - a. Implying, by advertising or otherwise that the licensee is approved to perform services more specialized or of a degree of higher care than allowed by rule or statute; and
  - b. Transferring or assigning a license.
    - i. States that a license is only valid for the premises occupied by the sober living home at the time of issuance. (Sec. 5)
10. Requires ADHS to establish fees for:
  - a. Initial licensure;
  - b. License renewal. and
  - c. Late payment of a licensing fee, including a grace period. (Sec. 5)
11. Directs ADHS to deposit 90% of collected fees into the Health Services Licensing Fund and 10% into the General Fund. (Sec. 5)
12. Stipulates that if the Director determines that there is reasonable cause to believe a sober living is not complying with licensure requirements, the Director or duly assigned agent or employee may enter on and into the premises of a sober living home at any reasonable time to determine compliance with rule, statute or local fire ordinance or rule. (Sec. 5)
13. States that an application for licensure constitutes consent to entry and inspection by ADHS while the application is pending and for the duration of the license. (Sec. 5)
14. Permits the Director to take action if an inspection shows that a sober living home is not in compliance with licensure requirements. (Sec. 5)
15. Specifies that a sober living home whose license has been suspended or revoked is subject to inspection when applying for relicensure or reinstatement. (Sec. 5)
16. Allows the Director to impose a civil penalty of \$500 for each violation of rule or statute.
  - a. States that each day a violation occurs constitutes a separate violation.
  - b. Permits the Director to issue a notice that includes the civil penalty amount.
  - c. Requires the Director to impose a civil penalty only for the days for which a violation has been documented by ADHS. (Sec. 5)
17. Stipulates that if a person requests an appeal hearing regarding a civil penalty, the Director may not take further action to collect penalties until the hearing process is complete. (Sec. 5)
18. Prohibits a license from being suspended or revoked, unless the licensee is given notice and an opportunity for a hearing with the Office of Administrative Hearings. (Sec. 5)
19. Permits ADHS to impose sanctions and take disciplinary action, including license revocation, against a sober living home. (Sec. 5)
20. Allows ADHS to contract with a third party to assist with licensure and inspections. (Sec. 5)

21. Allows a sober living home certified by a certifying organization to operate and receive referrals pursuant to statute. (Sec. 5)
22. Stipulates that sober living home certification is sufficient, in lieu of licensure, until the sober living home is licensed. (Sec. 5)
23. Requires a certified sober living home to apply for ADHS licensure within 90 days after initial licensure rules are final. (Sec. 5)
24. Requires ADHS to notify the certifying organization when initial licensure rules are final. (Sec. 5)
25. Requires ADHS to issue a license in lieu of an initial on-site survey and any annual survey if a sober living home submits an application to ADHS and meets the following requirements:
  - a. Holds a current certification from a certifying organization; and
  - b. Meets all ADHS licensing requirements. (Sec. 5)
26. Enacts the following requirements relating to state contracts and referrals, beginning January 1, 2019:
  - a. Requires state agencies and vendors that direct substance abuse treatments to make referrals only with certified or license sober living homes.
  - b. Allows only certified or licensed sober living homes to be eligible for government funding;
  - c. States that persons whose substance abuse treatment is funded by the government must be only referred to a certified or licensed sober living home;
  - d. Requires county or state courts to give preference to a certified or licensed sober living home when making residential recommendations; and
  - e. Requires a licensed or certified health care institution that provides substance abuse treatment to refer an individual only to a certified or licensed sober living home.
  - f. Requires a licensed behavioral health provider to refer a person only to a certified or licensed sober living home. (Sec. 5)
27. Requires ADHS to list the names and phone numbers of each certified or licensed sober living home on its website.
  - a. The list must be updated quarterly.
  - b. ADHS is prohibited from disclosing sober living home addresses, except to a local jurisdiction for zoning purposes, law enforcement and emergency personnel. (Sec. 5)
28. Asserts that a sober living home's address is not a public record. (Sec. 2, 4, 5)
29. Requires ADHS to submit a report on licensed sober living homes to the House Health and Senate Health and Human Services committees, by January 2, 2020 and every year thereafter, which includes the number of:
  - a. Licensed sober living homes in each city, town or county;
  - b. Sober living homes that become licensed each year;
  - c. Complaints investigated by ADHS against licensed sober living homes; and
  - d. Enforcement actions taken by ADHS.
    - i. ADHS must submit the report to the Secretary of State. (Sec. 5)
30. Provides a two-year rulemaking exemption for ADHS, beginning on the general effective date. (Sec. 6)
31. Permits a city, town or county to include a sober living home's telephone number as information required to be reported to the appropriate city, town or county. (Sec. 2, 4)
32. Repeals statute which permits a city, town or county to adopt standards for structured sober living homes 90 days after ADHS finalizes licensure rules. (Sec. 7)

33. Requires ADHS to notify Legislative Council and each city, town and county of the date that licensure rules are finalized. (Sec. 7)
34. Defines approved *certifying organization*, *MAT* and *sober living home*. (Sec. 5)
35. Modifies the definition of *sober living home*. (Sec. 2, 4)
36. Makes conforming changes. (Sec. 2, 4)

**Current Law**

Cities, towns and counties can adopt ordinances for sober living homes. If adopted, the ordinances may include:

- A written notification from all structured sober living homes;
- Supervisions requirements; and
- The establishment of an operational plan.

Sober living homes that are regulated by another government entity or contractor are exempted from city, town or county ordinances regarding sober living homes (A.R.S. §§ [9-500.40](#), [11-269.18](#)).